

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

**SHELBY DAVIS**, as Next Friend of **E.D.**, a  
minor,

Plaintiff,

Civil No. 17-13612

v.

Honorable Bernard A. Friedman  
Mag. Judge Patricia T. Morris

**UNITED STATES OF AMERICA,**

Defendant.

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**ORDER APPROVING THE SETTLEMENT ON BEHALF OF THE MINOR  
CASE NO. 17-13612**

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On October 21, 2021, the above-captioned matter came on for hearing and approval by the Court as to the reasonableness of a settlement between Plaintiffs E.D.,<sup>1</sup> by her next friend, Shelby Davis (collectively, “Plaintiffs”), and Defendant the United States of America (the “United States”).

The complete and precise terms and conditions of the settlement are set forth in the Stipulation for Compromise Settlement and Release (hereinafter “Stipulation”), attached as Exhibit A. The Court has reviewed the Stipulation, Plaintiffs’ motion for approval of the settlement, and the documents submitted in support of the motion [ECF No.120], and heard Plaintiffs’ arguments in favor of this settlement. The Court is fully informed of the specifics of the full and final terms and conditions of the settlement, including the availability of funds in the account established by Congress for the payment of settlement and judgments for claims

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<sup>1</sup> Pursuant to Rule 5.2(a) of the Federal Rules of Civil Procedure, the infant plaintiff is identified herein only by her initials.

cognizable under 42 U.S.C. § 233(g). *See* 42 U.S.C. § 233(k). The Court finds that the terms and conditions of this settlement, as set forth in the Stipulation, are fair, reasonable, and in the best interests of E.D., a minor.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the settlement, as set forth in Exhibit A, is hereby approved. It is further ordered that Thomas M. Lizza, as guardian ad litem, and Shelby Davis, as next friend of E.D., are authorized and required to sign any documents that are necessary to consummate this settlement on behalf of E.D., a minor. It is further ordered that Thomas M. Lizza, as guardian ad litem, is guardian of the property of E.D., a minor, for purposes of approving payment of the settlement funds under the Stipulation and this Order.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the settlement amount of Six Million Dollars (\$6,000,000.00) (hereinafter “Settlement Amount”) shall be distributed according to the terms and conditions of the Stipulation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that attorney’s fees for GIROUX TRIAL ATTORNEYS in this action shall be set at (One Million Five Hundred Thousand Dollars (\$1,500,000.00), an amount not exceeding 25% of the Settlement Amount, and shall be paid as provided in the Stipulation. The Court finds that the reimbursable costs and expenses associated with the litigation are One Hundred Eighty-One Thousand, Two Hundred Eighteen Dollars and Seventy Cents (\$181,218.70), and that such costs and expenses are fair, reasonable, and necessary. It is hereby ordered that such costs and expenses are approved and are to be paid as provided in the Stipulation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court approves the payment of \$165,000.00 to the State of Michigan for resolution of the MDHHS/Medicaid

medical lien, the payment of \$119,157.55 to Vengroff Williams for resolution of the Ford Motor BC/BS medical lien and payment of \$6,067.00 to Equian for resolution of the Meridian Health Plan of Michigan lien.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that after payment of litigation costs, the attorney's fees for GIROUX TRIAL ATTORNEYS, the funds for the reversionary annuity, and the payment of medical liens, the remaining settlement proceeds amounting to \$2,028,556.75 are to go to E.D., a minor and/or the estate of E.D., a minor, for her lifelong care and needs.

SO ORDERED:

s/Bernard A. Friedman  
Bernard A. Friedman  
Senior United States District Judge

Dated: October 22, 2021